

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 5:23-cv-00020-JVS-MAA Date: May 19, 2023

Title *Ms. Elijah Lee Miller v. State of California, et al.*

Present: The Honorable MARIA A. AUDERO, United States Magistrate Judge

Narissa Estrada
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Petitioner:
N/A

Attorneys Present for Respondent:
N/A

Proceedings (In Chambers): Order to Show Cause Re: Dismissal for Lack of Prosecution

On December 28, 2022, Petitioner Ms. Elijah Lee Miller (“Petitioner”), acting pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in the United States District Court for the Southern District of California. (“Petition,” ECF No. 1.) On January 3, 2023, the Southern District of California transferred the Petition to this Court. (ECF No. 3.) On January 27, 2023, the Court issued an Order re: Filing of Petition, screening the Petition and ordering Petitioner to show cause why the Petition should not be dismissed for lack of personal jurisdiction or failure to verify the Petition under penalty of perjury. (ECF No. 8.) In addition, in light of the uncertainty as to whether Petitioner had presented the claims raised in the Petition to the California Supreme Court, the Order also reminded Petitioner that she must exhaust her claims in state court before proceeding with seeking federal habeas relief. (*Id.* at 3–4.)¹

On February 13, 2023, the Court issued an Order addressing three filings from Petitioner received on January 30 and February 6, 2023 (ECF Nos. 9, 11, 13), and reminding Petitioner that the response to the Order re: Filing of Petition was due no later than February 27, 2023. (ECF No. 14, at 2.) On March 24, 2023, the Court received a Letter from Petitioner, in which Petitioner requested to know whether there was anything she needed to do regarding this case. (ECF No. 15, at 2.) On March 30, 2023, the Court issued an Order addressing the Letter and extending the deadline to respond to the Order re: Filing of Petition to no later than thirty (30) days after the date the Order was issued, or to April 29, 2023. (ECF No. 16.) To date, Petitioner has not responded to the Order re: Filing of Petition as required.

¹ Pinpoint citations in this Order refer to the page numbers appearing in the ECF-generated headers of the cited documents.

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Accordingly, Petitioner is hereby **ORDERED TO SHOW CAUSE by no later than June 19, 2023** why the Court should not recommend that the case be dismissed for lack of prosecution and failure to comply with court orders. *See* Fed. R. Civ. P. 41(b); C.D. Cal. L.R. 41-1.

Failure to comply with this Order by June 19, 2023 may result in a recommendation that this action be dismissed for failure to prosecute and for failure to comply with court orders pursuant to Federal Rule of Civil Procedure 41(b).

The Court *sua sponte* conducted a search of the California Department of Corrections and Rehabilitation’s public website (“CDCR Website”) for Petitioner’s name and discovered a discrepancy between the address on record with the Court and the address on this website. According to the CDCR Website, it appears that Petitioner has been relocated to the California Medical Facility. *Inmate Information*, CDCR INMATE LOCATOR, <https://inmatelocator.cdcr.ca.gov/Details.aspx?ID=AR5509> (last visited May 17, 2023).

Petitioner is reminded of her obligation to keep the Court apprised of her current address, telephone number (if any), and e-mail address (if any). *See* C.D. Cal. L.R. 41-6. In light of the Court’s uncertainty regarding Petitioner’s current address, and in an effort to afford Petitioner every opportunity to litigate his case, this one time only, the Court will mail this order and the Order re: Filing of Petition to both her address of record and the California Medical Facility. Petitioner is cautioned that, thereafter, the Court will mail all documents to Petitioner at her address of record as provided by her.

Accordingly, the Court **DIRECTS** the Clerk’s Office to serve this Order and the Order re: Filing of Petition (ECF No. 8) by U.S. Mail to Petitioner at both the address currently listed on the Court’s docket and to the following address:

Elijah Lee Miller
CDCR # AR5509
California Medical Facility
P.O. Box 2000
Vacaville, CA 95696-2000

This Order is non-dispositive. However, if Petitioner believes this Order erroneously disposes of any of her claims or precludes any relief sought, she may file objections with the district

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judge within twenty (20) days after the date of the Order. *See Bastidas v. Chappell*, 791 F.3d 1155, 1162 (9th Cir. 2015); Fed. R. Civ. P. 72.

It is so ordered.